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7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. **2013-20**

11 **UNISA S. BISHOP**

12
13 599 W. Lowndes Drive
Columbus, MS 39701

14 Registered Nurse License No. 597430

15 Respondent.
16

ACCUSATION

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
21 of Consumer Affairs.

22 2. On or about April 4, 2002, the Board of Registered Nursing issued Registered Nurse
23 License Number 597430 to Unisa S. Bishop ("Respondent"). The Registered Nurse License
24 expired on July 31, 2003, and has not been renewed.

25 **JURISDICTION AND STATUTORY PROVISIONS**

26 3. This Accusation is brought before the Board of Registered Nursing ("Board"),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28

1 references are to the Business and Professions Code ("Code") unless otherwise indicated.

2 4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline
3 any licensee, including a licensee holding a temporary or an inactive license, for any reason
4 provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
6 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
7 licensee or to render a decision imposing discipline on the license. Section 2811(b) of the Code
8 provides, in pertinent part, that the Board may renew an expired license at any time within eight
9 years after the expiration.

10 6. Section 118, subdivision (b), of the Code provides that the suspension, expiration,
11 surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
12 disciplinary action during the period within which the license may be renewed, restored, reissued
13 or reinstated.

14 7. California Code of Regulations, title 16, section 1419.3 states:

15 "In the event a licensee does not renew his/her license as provided in
16 Section 2811 of the code, the license expires. A licensee renewing pursuant to this
17 section shall furnish a full set of fingerprints as required by and set out in section
1419(b) as a condition of renewal.

18 (a) A licensee may renew a license that has not been expired for more
19 than eight years by paying the renewal and penalty fees as specified in Section 1417
and providing evidence of 30 hours of continuing education taken within the prior
two-year period.

20 (b) A licensee may renew a license that has been expired for more than
21 eight years by paying the renewal and penalty fees specified in Section 1417 and
22 providing evidence that he or she holds a current valid active and clear registered
nurse license in another state, a United States territory, or Canada, or by passing the
Board's current examination for licensure."

23 8. Section 2761 of the Code states in pertinent part:

24 "The board may take disciplinary action against a certified or licensed
25 nurse or deny an application for a certificate or license for any of the following:

26 (a) Unprofessional conduct, which includes, but is not limited to, the
following:

27 ...

28 (4) Denial of licensure, revocation, suspension, restriction, or any other

disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action."

9. Section 2762 of the Code states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.

(d) Be committed or confined by a court of competent jurisdiction for intemperate use of or addiction to the use of any of the substances described in subdivisions (a) and (b) of this section, in which event the court order of commitment or confinement is prima facie evidence of such commitment or confinement.

(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section."

COST RECOVERY

10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Disciplinary Action by the Mississippi Board of Nursing)**

3 11. Respondent is subject to disciplinary action under section 2761, subdivision (a)(4) of
4 the Code in that Respondent was disciplined by the Mississippi Board of Nursing ("Mississippi
5 Board"), as follows:

6 12. On or about April 6, 2006, the Mississippi Board entered a Final Order accepting the
7 voluntary surrender of Respondent's license in the disciplinary action entitled *In the Matter of*
8 *Mississippi License No. R-856564 issued to Unisa Bishop*. The circumstances underlying the
9 disciplinary action by the Mississippi Board are, as follows:

10 13. Respondent negligently or willfully violated an Order of the Board, the Recovering
11 Nursing Program Affidavit Executed by her on July 5, 2005 and ratified by the Board on August
12 10, 2005. On or about July 5, 2005, Respondent agreed to participate in the Recovering Nurse
13 Program. In the Affidavit, Respondent admitted that she is addicted to or dependent on alcohol or
14 a habit forming drug or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or
15 other drugs having similar effect, or having misappropriated any medication.

16 **SECOND CAUSE FOR DISCIPLINE**

17 **(Unprofessional Conduct)**

18 14. Respondent is subject to disciplinary action under section 2761, subdivision (a) on the
19 grounds of unprofessional conduct in that Respondent was addicted to or dependent on alcohol or
20 a habit forming drug or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or
21 other drugs having similar effect, or having misappropriated any medication, agreed to participate
22 in the Recovering Nurse Program and then violated the agreement. The conduct is described in
23 more particularity in paragraphs 12 through 13, above, inclusive and herein incorporated by
24 reference.

25 **THIRD CAUSE FOR DISCIPLINE**

26 **(Drug Related Transgressions)**

27 15. Respondent is subject to disciplinary action under section 2761 as defined in section
28 2762, subdivision (b) of the Code in that Respondent used controlled substances, dangerous drugs

1 or alcoholic beverages, to an extent or in a manner dangerous or injurious to herself, any other
2 person, or the public or to the extent that such use impairs his or her ability to conduct with safety
3 to the public the practice authorized by his or her license. The dangerous use is described in more
4 particularity in paragraphs 12 through 13, above, inclusive and herein incorporated by reference.

5 **PRAYER**

6 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
7 and that following the hearing, the Board of Registered Nursing issue a decision:

- 8 1. Revoking or suspending Registered Nurse License Number 597430, issued to Unisa
9 S. Bishop;
- 10 2. Ordering Unisa S. Bishop to pay the Board of Registered Nursing the reasonable
11 costs of the investigation and enforcement of this case, pursuant to Business and Professions
12 Code section 125.3;
- 13 3. Taking such other and further action as deemed necessary and proper.
- 14
- 15

16 DATED: July 10, 2012

Louise R. Bailey
17 LOUISE R. BAILEY, M.ED., RN
18 Interim Executive Officer
19 Board of Registered Nursing
20 Department of Consumer Affairs
21 State of California
22 Complainant

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